

THE CHARGE

(2)

Delivered by the Right Honourable Sir JAMES EYRE, Lord Chief Justice of his Majesty's Court of Common Pleas, and one of the Commissioners named in a Special Commission of Oyer and Terminer, issued under the Great Seal of Great Britain, to enquire of certain HIGH TREASONS, and MISPRISONS of TREASONS, within the County of Middlesex, TO THE GRAND JURY, at the Session-House on Clerkenwell-Green, on Thursday, the Second Day of October, 1794.

[Printed at the request of the Grand Jury.]

Gentlemen of the Grand Inquest,

YOU are assembled under the authority of the King's Commission, which has been issued for the hearing and determining of the offences of High Treason, and Misprisons of Treason, against the Person and Authority of the King.

That which hath given occasion for this Commission is that which is declared by a late statute, namely, "That a traiterous and detestable conspiracy has been formed for subverting the existing laws and constitution, and for introducing the system of anarchy and confusion which has so lately prevailed in France;" *a crime of that deep malignity* which loudly calls upon the justice of the nation to interpose, "for the better preservation of his Majesty's sacred person, and for securing the peace, and the laws and liberties of this kingdom."

The first and effective step in this, as in the ordinary criminal proceedings, is, that a Grand Jury of the Country should make public inquiry for the King, should diligently enquire, discover, and bring forward to the view of the criminal magistrate those offences which it is the object of this Special Commission to hear and determine.

You are Jurors for our Sovereign Lord the King; you are so stiled in every indictment which is presented; but let the true nature of this service be understood. The King commands you to enter upon this enquiry; but the royal authority in this, as in all its other functions, is exerted, and operates ultimately for the benefit of his people. It is the King's object, his duty, to vindicate his peace, his crown and dignity, because *his peace, his crown and dignity, are the subjects' protection, their security, and their happiness.*

It is ultimately for them that the laws have thrown extraordinary fences around the person and authority of the King, and that all attempts against the one or the other are considered as the highest crimes which can be committed, and are punished with a severity which nothing but the *salus populi* can justify.

The business of this day calls upon me (in order that you may the better understand the subject which is to come before you) to open to you the nature of that offence, which I have before spoken of in general.

An ancient statute, 25 Edward III. has declared and defined it. I shall state to you so much of that declaration and definition as appears to me to have any probable relation to the business of this day.

By that statute it is declared to be High Treason "to compass or imagine "the death of the King," provided such compassing and imagination be manifested by some act or acts proved (by two witnesses) to have been done by the party accused in prosecution of that compassing and imagination ; that is, from the moment that this wicked imagination of the heart is acted upon, that any steps are taken in any manner conduced to the bringing about and effecting the design, the intention becomes the crime, and the measure of it is full.

These acts or steps are technically denominated *overt acts* ; and the forms of proceeding in cases of this nature require that these overt acts should be particularly set forth in every indictment of treason ; and, from the nature of them, they must constitute the principal head of enquiry for the Grand Jury.

These overt acts involve in them two distinct considerations : 1st, The matter of fact of which they consist ; in the next place, the relation of that fact to the design.

With respect to the mere matter of fact, it will be for the Grand Jury to enquire into the true state of it, and I can have very little to offer to your consideration respecting it ; and with respect to the question, whether the fact has relation to the design so as to constitute an overt act of this species of treason, which involves considerations both of fact and of law, it is impossible that any certain rule should be laid down for your government : overt acts being in their nature all the possible means which may be used in the prosecution of the end proposed, they can be no otherwise defined, and must remain for ever infinitely various.

Thus far I can inform you, that occasions have unhappily but too frequently brought overt acts of this species of treason under consideration ; in consequence of which we are furnished with judicial opinions upon many of them ; and we are also furnished with opinions (drawn from these sources) of text writers, some of the wisest and most enlightened men of

their time, whose integrity has been always considered as the most prominent feature of their character, and whose doctrines do now form great land-marks, by which posterity will be enabled to trace, with a great degree of certainty, the boundary lines between High Treason and offences of a lower order and degree.

It is a fortunate circumstance that we are thus assisted ; for it is not to be dissembled, that though the crime of High Treason is “ the greatest “ crime against faith, duty, and human society,” and though “ the public “ is deeply interested in every prosecution of this kind well founded,” there hath been, in the best times, a considerable degree of jealousy on the subject of prosecutions for High Treason ; they are state prosecutions, and the consequences to the party accused are penal in the extreme.

Jurors and Judges ought to feel an extraordinary anxiety that prosecutions of this nature should proceed upon solid grounds. I can easily conceive therefore, that it must be a great relief to Jurors placed in the responsible situation in which you now stand, bound to do justice to their country and to the parties accused, and anxious to discharge this trust faithfully ; sure I am that it is consolation and comfort to us, who have upon us the responsibility of declaring what the law is in cases in which the public and the individual are so deeply interested ; to have such men as the great Sir Matthew Hale, and an eminent Judge of our own times, who, with the experience of a century, concurs with him in opinion, Sir Michael Foster, for our guides.

To proceed by steps---From these writers upon the law of Treason (who speak, as I have before observed, upon the authority of adjudged cases) we learn, that not only acts of *immediate* and *direct* attempt against the King's life are overt acts of compassing his death, but that all the *remoter steps* taken with a view to assist to bring about the actual attempt, are equally overt acts of this species of treason ; even the meeting and the consulting what step should be taken in order to bring about the end proposed, has been always deemed to be an act done in prosecution of the design, and as such an overt act of this treason---This is our first step in the present enquiry. I proceed to observe, that the overt acts I have been now speaking of have reference, nearer or more remote, to a *direct* and *immediate* attempt upon the life of the King ; but that the same authority informs us, that they who aim directly at the life of the King (such, for instance, as the persons who were concerned in the assassination plot in the reign of King William) are not the only persons who can be said to compass or imagine the death of the King. “ The entering into measures which, in the nature of things, “ or in the common experience of mankind, do obviously tend to bring the

“ life of the King into danger, is also compassing and imagining the death of the King ;” and the measures which are taken will be at once evidence of the compassing, and overt acts of it.

The instances which are put by Sir Matthew Hale and Sir Michael Foster, (and upon which there have been adjudged cases) are of conspiracies to *depose the King, to imprison him, to get his person into the power of the conspirators, to procure an invasion of the kingdom.* The first of these, apparently the strongest case, and coming the nearest to the direct attempt against the life of the King ; the last, the farthest removed from that direct attempt, but being a measure tending to destroy the public peace of the country, to introduce hostilities, and the necessity of resisting force by force, and where it is obvious that the conflict has an ultimate tendency to bring the person and life of the King into jeopardy ; it is taken to be a sound construction of the statute 25 Edward III. and the clear law of the land, that this also is compassing and imagining the death of the King.

If a conspiracy to depose or to imprison the King, to get his person into the power of the conspirators, or to procure an invasion of the kingdom, involves in it the compassing and imagining of his death, and of steps taken in prosecution of such a conspiracy are rightly deemed overt acts of the treason of imagining and compassing the King's death ; need I add, that if it should appear that ‘ it has entered into the heart of any man, who is a subject of this country, to design to overthrow the whole Government of the country, to pull down and to subvert from its very foundations the British monarchy, that glorious fabric which it has been the work of ages to erect, maintain, and support, which has been cemented with the best blood of our ancestors ; to design such a horrible ruin and devastation, which no King could survive, a crime of such a magnitude that no lawgiver in this country hath ever ventured to contemplate in its whole extent ;’ need I add, I say, that the complication and the enormous extent of such a design will not prevent its being distinctly seen, that “ the compassing and imagining the death of the King is involved in it, is in truth of its very essence.”

This is too plain a case to require further illustration from me. If any man of plain sense, but not conversant with subjects of this nature, should feel himself disposed to ask whether a conspiracy of this nature is to be reached by this medium only ; whether it is a *specific* treason to compass and imagine the death of the King, and *not a specific* treason to conspire to subvert the monarchy itself, I answer that the statute of Edward III. by which we are governed, hath not declared this (which in all just theory of treason is the greatest of all treasons) to be High Treason.

I said no lawgiver had ever ventured to contemplate it in its whole extent. The *Seditio Regni*, spoken of by some of our ancient writers comes

the nearest to it, but falls far short of it. Perhaps if it were now a question whether such a conspiracy should be made a specific treason, it might be argued to be unnecessary ; that in securing the person and authority of the King from all danger, the monarchy, the religion and laws of our country are incidently secured ; that the constitution of our government is so framed, that the imperial crown of the realm is the common centre of the whole ; that all traitorous attempts upon any part of it are instantly communicated to that centre, and felt there ; and that, as upon every principle of public policy and justice, they are punishable as traitorous attempts against the King's person and authority, and will, according to the particular nature of the traitorous attempt, fall within one or other of the specific treasons against the King, declared by the statute of 25 Edward III. the greatest of all treasons, is sufficiently provided against by the law.

Gentlemen, I presume, I hardly need give you this caution, that though it has been expressly declared, by the highest authority, that there do exist in this country men capable of meditating the destruction of the constitution under which we live ; that declaration, being extrajudicial, is not a ground upon which you ought to proceed.

In consequence of that declaration it became a public and indispensable duty of His Majesty to institute this solemn proceeding, and to impose upon you the painful task of examining the accusations, which shall be brought before you ; but it will be your duty to examine them in a regular judicial course, that is, by hearing the evidence, and forming your own judgment upon it.

And here, as I do not think it necessary to trouble you with observations upon the other branches of the statute 25 Edw. III. the charge to the Grand Inquest might conclude, had not the particular nature of the conspiracy, alledged to have been formed against the state, been disclosed, and made matter of public notoriety by the Reports of the two Houses of Parliament, now in every one's hands : but that being the case, I am apprehensive that I shall not be thought to have fulfilled the duty, which the Judge owes to the Grand Jury, when questions in the criminal law arise on new and extraordinary cases of fact ; if I did not plainly and distinctly state what I conceive the law to be, or what doubts I conceive may arise in law, upon the facts which are likely to be laid before you, according to the different points of view in which those facts may appear to you.

It is matter of public notoriety that there have been Associations formed in this country, and in other parts of the kingdom, the professed purpose of which has been a change in the Constitution of the Commons House of Parliament, and the obtaining of Annual Parliaments ; and that to some of these Associations other purposes, hidden under this veil, purposes the most

traitorous, have been imputed ; and that some of these Associations have been supposed to have actually adopted measures of such a nature, and to have gone into such excesses, as will amount to the crime of High Treason.

If there be ground to consider the professed purpose of any of these Associations, “ a Reform in Parliament,” as mere colour, and as a pretext held out in order to cover deeper designs—designs against the whole Constitution, and Government of the country ; the case of those embarked in such designs is that, which I have already considered. Whether this be so, or not, is mere matter of fact ; as to which I shall only remind you, that an inquiry into a charge of this nature, which undertakes to make out that the ostensible purpose is a mere veil, under which is concealed a traitorous conspiracy, requires cool and deliberate examination, and the most attentive consideration ; and that the result should be perfectly clear and satisfactory. In the affairs of common life, no man is justified in imputing to another a meaning contrary to what he himself expresses, but upon the fullest evidence. On the other hand, where the charge can be made out, it is adding to the crime meditated the deepest dissimulation and treachery, with respect to those individuals, who may be drawn in to embark in the ostensible purpose, as well as to the public, against which this dark mystery of wickedness is fabricated.

But if we suppose these Associations to adhere to the professed purpose, and to have no other primary object ; it may be asked, is it possible, and (if it be possible) by what process is it, “ *that an Association for the Reform of Parliament can work itself up to the crime of High Treason ?* All men may, nay, all men must, if they possess the faculty of thinking, reason upon every thing which sufficiently interests them to become objects of their attention ; and among the objects of the attention of free men, the principles of Government, the constitution of particular Governments, and, above all, the Constitution of the Government under which they live, will naturally engage attention, and provoke speculation. The power of communication of thoughts and opinions is the gift of God, and the freedom of it is the source of all science, the first fruits and the ultimate happiness of society ; and therefore it seems to follow, that human laws ought not to interpose, nay, cannot interpose, to prevent the communication of sentiments and opinions in voluntary assemblies of men ; all which is true, with this single reservation, that *those Assemblies are to be so composed, and so conducted, as not to endanger the public peace and good order of the Government under which they live* ; and I shall not state to you that associations and assemblies of men, for the purpose of obtaining a Reform in the interior Constitution of the British Parliament, are simply unlawful ; but, on the other hand, I must state to

you, that they may but too easily degenerate, and become unlawful, in the highest degree, even to the enormous extent of the crime of High Treason.

The process is very simple: Let us imagine to ourselves this case: A few well meaning men conceive that they and their fellow subjects labour under some grievance; they assemble peaceably to deliberate on the means of obtaining redress; the numbers increase; the discussion grows animated, eager, and violent; a rash measure is proposed, adopted, and acted upon; who can say where this shall stop, and that these men, who originally assembled peaceably, shall not finally, and suddenly too, involve themselves in the crime of High Treason. It is apparent how easily an impetuous man may precipitate such Assemblies into crimes of unforeseen magnitude, and danger to the state: but, let it be considered, that bad men may also find their way into such Assemblies, and use the innocent purposes of their association as the stalking horse to *their* purposes of a very different complexion. How easy for such men to practise upon the credulity and the enthusiasm of honest men, lovers of their country, loyal to their prince, but eagerly bent upon some speculative improvements in the frame, and internal mechanism of the Government? If we suppose bad men to have once gained an ascendancy in an Assembly of this description, popular in its constitution, and having popular objects; how easy is it for such men to plunge such an assembly into the most criminal excesses? Thus far I am speaking in general, merely to illustrate the proposition, that men who assemble in order to procure a Reform of Parliament may involve themselves in the guilt of High Treason.

The notoriety to which I have alluded leads me to suppose, that the "project of a Convention" of the people, to be assembled under the advice and direction of some of these Societies, or of delegations from them, will be the leading fact, which will be laid before you in evidence, respecting the conduct and measures of these Associations; a project, which perhaps, in better times, would have been hardly thought worthy of grave consideration; but, in these our days, having been attempted to be put in execution in a distant part of the united Kingdoms, and, with the example of a neighbouring Country before our eyes; it is deservedly become an object of the jealousy of our laws: It will be your duty to examine the evidence on this head very carefully, and to sift it to the bottom; to consider every part of it in itself, and as it stands connected with other parts of it, and to draw the conclusion of fact, as to the existence, the nature, and the object of this project, of a Convention, from the whole.

In the course of the evidence you will probably hear of "bodies of men" "having been collected together, of violent resolutions voted at these and" "at other meetings, of some preparation of offensive weapons, and of the

“ adoption of the language, and manner of proceeding of those Conventions “ in France, which have possessed themselves of the Government of that “ country :” I dwell not on these particulars, because I consider them, not as substantive Treasons, but as circumstances of evidence, tending to ascertain the true nature of the object, which these persons had in view, and also the true nature of this project of a Convention, and to be considered by you in the mass of that evidence ; which evidence it does not fall within the province of the charge to consider in detail ; my present duty is, to inform you what the law is upon the matter of fact, which in your judgment shall be the result of the evidence.

I presume that I have sufficiently explained to you, that a project to bring the people together in convention in imitation of those National Conventions which we have heard of in France in order to usurp the government of the country, and any one step taken towards bringing it about, such as for instance, “ Consultations, forming of committees to consider of the means, “ acting in those committees,” would be a case of no difficulty that it would be the *clearest High Treason* ; it would be compassing and imagining the King’s death, and not only his death, but the death and destruction of all order, religion, laws, all property, all security for the lives and liberties of the king’s subjects.

That which remains to be considered is, “ the project of a convention, having for its sole object the effecting a change in the mode of representation of the people in Parliament, and the obtaining that Parliaments should be held annually ;” and here there is room to distinguish. Such a project of a Convention, taking it to be criminal, may be criminal in different degrees, according to the case in evidence, from whence you are to collect the true nature and extent of the plan, and the manner in which it is intended to operate ; and it will become a question of great importance, under what class of crimes it ought to be ranged.

In determining upon the complexion and quality of this project of a Convention ; you will lay down to yourselves one principle which is never to be departed from ; *That alterations in the Representation of the People in Parliament, or in the Law for holding Parliaments, can only be effected by the authority of the King, Lords, and Commons, in Parliament assembled.* This being taken as a foundation ; it seems to follow as a necessary consequence, that a “ project “ of a Convention, which should have for its object the obtaining a Parliament “ Reform without the authority of Parliament, and steps taken “ upon it, would be *High Treason*, in all the actors in it ;” for this is a conspiracy to overturn the Government. The Government cannot be said to exist, if the functions of Legislation are usurped for a moment ; and it then

becomes of little consequence indeed, that the original conspirators, perhaps, had only meditated a plan of moderate reform: it is, in the nature of things, that the power shall go out of their hands, and be beyond the reach of their controul. A conspiracy of this nature is therefore, at best, a conspiracy to overturn the Government, in order to new model it, which is, in effect, to introduce anarchy, and that which anarchy may chance to settle down into; after the King may have been brought to the scaffold, and after the Country may have suffered all the miseries which discord, and civil war should have produced.

Whether " the project of a Convention, having for its object the collecting together a power, which should overawe the Legislative Body, and extort a Parliamentary Reform from it," if acted upon, will also amount to *High Treason*, and to the specific treason of compassing and imagining the King's death, is a more doubtful question. Thus far is clear; a force upon the Parliament must be immediately directed against the King, who is an integral part of it; it must reach the King, or it can have no effect at all.— Laws are enacted in Parliament by the King's Majesty, by and with the advice of the Lords and Commons, in Parliament assembled. A force meditated against the Parliament, is therefore a force meditated against the King, and seems to fall within the case of a force meditated against the King, to compel him to alter the measures of his Government: but in that case, it does not appear to me that I am warranted by the authorities to state to you, as clear law, that the mere conspiracy to raise such a force, and the entering into consultations respecting it, will alone, and without actually raising the force, constitute the crime of *High Treason*. What the law is in that case, and what will be the effect of the circumstance of the force being meditated against the King in *Parliament*, against the King in the exercise of the royal function in a point, which is of the very essence of his monarchy, will be fit to be solemnly considered, and determined when the case shall arise.

" It may be stated to you as clear, that " the project of a Convention, " having for its sole object a dutiful and peaceable application to the Wisdom " of Parliament on the subject of a wished-for Reform, which application " should be entitled to weight and credit from the universality of it, but " should still leave to the Parliament the freest exercise of its discretion to " grant or to refuse the prayer of the petition," (great as the responsibility will be on the persons concerned in it, in respect of the many probable, and all the possible, bad consequences of collecting a great number of people together; with no specific legal powers to be exercised, and under no government but that of their own discretion.) " cannot in itself merit to be " ranked among that class of offences," which you are now assembled to hear and determine.

Upon this last statement of the fact of the case, I am not called upon, and therefore it would not be proper for me to say more.

Gentlemen, you will now proceed upon the several articles of enquiry which have been given you in charge: If you find that the parties, who shall be accused before you, have been pursuing lawful ends by lawful means, or have been only indiscreet, or, at the worst, if criminal, that they have not been criminal to the extent of those treasons to which our enquiries are confined, then say, that the Bills which shall be presented to you *are not true Bills*: But, if any of the accused persons shall appear to you to have been engaged in that traitorous and detestable conspiracy described in the preamble of the law statute; or, if without any formed design to go the whole length of that conspiracy, they have yet acted upon the desperate imagination of bringing about alterations in the Constitution of the Commons House of Parliament, or in the manner of holding Parliaments without the authority of Parliament, and, in defiance of it, by an usurped power, which should, in that instance, suspend the lawful authority of the King, Lords, and Commons, in Parliament assembled, and take upon itself the function of Legislation; (which imagination amounts to a conspiracy to subvert the existing Laws and Constitution, differing from the former only in the extent of its object,) *you will then do that which belongs to your office to do.*

In the third view of the case of the accused persons; that is, if you find them involved in, and proceeding upon, a design to collect the people together against the legislative authority of the Country, for the purpose, not of usurping the functions of the Legislature, but of overawing the Parliament, and so compelling the King, Lords, and Commons, in Parliament assembled, to enact a law for new modelling the Commons House of Parliament, or for holding annual Parliaments; and that charges of High Treason are offered to be maintained against them upon this ground only; perhaps it may be fitting that, *in respect of the extraordinary nature and dangerous extent, and very criminal complexion of such a conspiracy*, that case which I state to you as a new and doubtful case, should be put into a judicial course of enquiry, that it may receive "a solemn adjudication, whether it will, or will not, amount to High Treason," in order to which the Bills must be found to be true Bills.

Gentlemen, I have not opened to you the law of *Misprision of Treason*, because I am not aware that there are any commitments for that offence; and therefore I have no reason to suppose that there will be any prosecution for that offence. It consists of *the concealment of treason committed by others*, (which undoubtedly it is every man's duty to disclose,) and the punishment is extremely severe; but the humanity of modern times hath usually inter-

posed, and I trust, that the necessities of the present hour will not demand that the law of Misprision of Treason should now be carried into execution.

Gentlemen, I dismiss you with confident expectation that your judgment will be directed to those conclusions, which *may clear all innocent men from all suspicion of guilt, bring the guilty to condign punishment, preserve the life of our Gracious Sovereign, secure the stability of our Government, and maintain the public peace, in which comprehensive term is included the welfare and happiness of the people under the protection of the laws and liberties of the kingdom.*

HOLCROFT'S SURRENDER.

SESSION-HOUSE, CLERKENWELL, TUESDAY, Oct. 7th.

THE Grand Jury being called, presented a true bill against *John Martin*, for High Treason.

The *Chief Justice* asked if there were any more bills ready for the Grand Jury.

The *Foreman* said, the Jury would be glad to adjourn to some day, when there might be business sufficient to engage them the whole day.

Mr. *White*, one of the Solicitors to the Treasury, said, if the Court was adjourned till Thursday, he thought they should be ready with all the Bills that were meant to be presented, if that day would be convenient for the Jury.

The *Foreman* said, the Jury had no objection.

The *Chief Justice* said, he had no objection, after the business of this day was over, to adjourn the Court to Thursday, at ten o'clock.

At this moment appeared in Court Mr. **HOLCROFT**, who addressed the Court to the following effect :

“ My Lord,

“ Being informed that a Bill for High Treason has been preferred against me, Thomas Holcroft, by his Majesty's Attorney General, and returned a true Bill by a Grand Jury of these realms, I come to surrender myself to this Court, and my Country, to be put upon my trial ; that, if I am a guilty man, the whole extent of my guilt may become notorious ; and, if innocent, that the rectitude of my principles and conduct may be no less public. And I hope, my Lord, there is no appearance of vaunting in assuring your Lordship, this Court, and my Country, that, after the misfortune of having been suspected as an enemy to the peace and happiness of mankind, there is nothing on earth, after which, as an individual, I more ardently aspire than a full, fair, and public examination.

“ I have further to request that your Lordship will inform me, if it be not the practice, in these cases, to assign Counsel, and to suffer the accused to speak in his own defence ? Likewise, whether free egress and regress be not allowed for such persons, books, and papers, as the accused, or his Counsel, shall deem necessary for justification ?”

Chief Justice.—“ With regard to the first, Sir, it will be the duty of the Court to assign you Counsel, and a ~~to~~ to order that such Counsel shall have free access to you at all proper hours—with respect, Sir, to the liberty of speaking for yourself, the accused will be fully heard by himself, as well as by his Counsel ; but with regard to papers, books, and other things of that kind, it is impossible for me to say any thing precisely, with regard to them, until the thing required be asked. However, Sir, you may depend upon it, every thing will be granted to the party accused, so as to enable him to make his defence. If I understand you rightly, you now admit that you are the person standing indicted by the name of Thomas Holcroft ?”

Mr. Holcroft.—“ Yes my Lord.”

Chief Justice.—“ You come here to surrender yourself, and I can only accept of that surrender on the supposition that you are the person so indicted. You know the consequence, Sir, of being indicted for High Treason. I shall be under the necessity of ordering you into custody. I would not wish to take any advantage of your coming forward in person, indiscreetly, in this manner, without being called upon by the ordinary process of the law. You should have a moment to consider whether you surrender yourself as that person.”

Mr. Holcroft.—“ It is certainly not my wish, either to inflict upon myself unnecessary punishment, or to appear to put myself forward on this occasion. I come only as Thomas Holcroft, of Newman-street, in the county of Middlesex, and I certainly do not wish to stand more forward, than any other man ought to stand.”

Chief Justice.—“ I cannot enter into this point. If you admit yourself to be the person indicted, the consequence must be, that I must order you to be taken into custody to answer this charge. I do not know whether you are, or are not, Thomas Holcroft. I do not know you, and therefore it is impossible for me to know whether you are the person stated in the indictment.”

Mr. Holcroft.—“ It is equally impossible for me, my Lord.”

Chief Justice.—“ Why then, Sir, I think you had better sit still. Is there any thing moved on the part of the Crown with respect to this Gentleman ?”

Solicitor General.—“ My Lord, as I consider him to be the person against whom a true bill is found, I move that he be committed.”

Chief Justice.—“ I do not know how many persons there may be of the name of Thomas Holcroft: it would be rather extraordinary to commit a person on this charge, if we do not know him.”

Mr. Knapp, one of the Counsel for the Crown, contended, that from what the prisoner had said first in Court, he admitted himself to be the person.”

Chief Justice.—“ That does not signify. Does the Counsel for the Crown think fit that this gentleman should be committed ?”

Solicitor General.—“ I move that he now be taken into custody ?”

Chief Justice.—“ Sir, you must now stand committed.”

A sheriff's officer now took Mr. Holcroft into custody.

Chief Justice to the prisoner.—“ Are you prepared to name your Counsel ?”

His Solicitor immediately named Mr. Erskine and Mr. Gibbs, whom the Court assigned in the usual form.

The same learned advocates were named for Mr. Thelwall and Mr. Baxter.

John Pearce stated to the Court, that he was an articled Clerk to Mr. Martin, against whom the Grand Jury had found a Bill. He requested that he might be permitted to attend Mr. Martin, as, without his assistance, he did not think Mr. Martin would be able to proceed to his trial.

The *Solicitor General* objected to his application, because there might be a charge against Mr. Pearce himself.

The *Judge* observed, that until some charge was preferred, he could not refuse this application.

Mr. *White*, the Solicitor, desired that the other might be postponed until Friday, which the *Judge* consented to, on condition that a Copy of the Indictment was not preferred till that time. The *Chief Justice* then ordered the Officer to adjourn the Court.

Mr. *Holcroft* begged that his servant might be permitted to have access to him.

The *Chief Justice* said, that was a sort of thing that was quite new, and he did not know that he could grant it, unless something was stated by Mr. Holcroft, with respect to his health, to make it requisite.

Mr. *Holcroft* said, there was nothing of that sort ; that he did not know it to be unusual, or he should not have asked it. The reason for his asking it, was, that his servant was his amanuensis ; it had been his habit to dictate to this man, and therefore it would be extremely convenient for him to be indulged in this particular, if that was not contrary to custom.

The *Chief Justice* said, he was afraid it was, and he thought it would be proper for Mr. Holcroft to apply to another quarter, which could better grant indulgence than he could, sitting in that Court.

Mr. *Holcroft* said, he wished to have no indulgence ; he only wished for justice.

The *Chief Justice* said, “ Then, Sir, I cannot make the order.”

The Court then immediately adjourned to Thursday, at ten o'clock in the morning.

[The preceding Account being that which appeared in the Public Prints, there appeared next Day, in the same Prints, the following Note from Mr. Holcroft.]

To the EDITOR, &c.

SIR,

The predicament in which I stand, was, I presume, a self-evident motive why I should be assiduously careful that the following mistake, in your account what passed yesterday at Hick's Hall, should be corrected. You state, that when asked by the Chief Justice whether I admitted myself to be the person indicted by the name of Thomas Holcroft, I answered, "Yes, my Lord :" Far from answering in this direct manner, the question immediately awakened in me some apprehension of having too implicitly credited the reports I heard, from persons of various rank and station, that a Bill for High Treason was found against me ; the purport of my answer to his Lordship immediately was, that the only knowledge that I had of the event, was that which I derived from these reports. Such an answer as you have been informed I made, might very innocently have escaped an innocent man, though the truth is, it did not happen to escape me. It might perhaps too very innocently, but mistakenly, have implied, in the minds of some people, a consciousness of my having deserved to be indicted ; an inuendo, which, from my heart and soul, and with all the faculties I possess, of mind, memory, and truth, I repel.

Newgate, Oct. 8, 1794.

THOMAS HOLCROFT.

SESSION-HOUSE, CLERKENWELL, THURSDAY, OCT. 9th.

The Court met again at ten o'clock, when the Grand Jury presented a true bill for High Treason against *John Hillier*.

Another bill was then preferred by Mr. White, Solicitor of the Treasury. With this bill the Jury retired to their own room ; after which the Court adjourned to Thursday the sixteenth of October.

The Court sat as before. The Grand Jury returned a true bill against *John Philip Frankoe* for High Treason.

Mr. WHITE, Solicitor of the Treasury, then preferred two other bills to the Grand Jury.

The CHIEF JUSTICE observed, he should wish to adjourn the Court for the accommodation of the Jury, and he thought Tuesday next might be a proper day ; in the mean time the Jury would proceed on the bills now before them. His Lordship said, he hoped on Tuesday to discharge the Jury from a very long and laborious service ; at least until further summons. His Lordship asked if there was any motion to be made ? To which there being no answer, the Court adjourned to Tuesday, the 21st of October.



